

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAM TRAN,

Petitioner,

V.

JOHN P. HAGENSON,

## Respondent.

CASE NO. C22-5922 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge David W. Christel's  
Report and Recommendation, Dkt. 4, recommending that this Court dismiss pro  
plaintiff Tam Tran's habeas petition and his petition to proceed *in forma pauperis*,  
and dismiss this action without prejudice as duplicative of a similar (and pending)  
petition, *Tran v. Clark County Court*, No. 22-cv-5924 BHS.

A district judge must determine de novo any part of a magistrate judge's proposed disposition to which a party has properly objected. The district judge may accept, reject, modify the recommended disposition; receive further evidence; or return the matter to magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R.

1      | *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections  
2      | to an R&R are not a vehicle to relitigate the same arguments carefully considered and  
3      | rejected by the magistrate judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV  
4      | 16-41-M-DLC-JCL, 2017 WL 2721168, at \*1 (D. Mont. June 23, 2017) (collecting  
5      | cases). Tran has not objected or otherwise responded to the Magistrate Judge's R&R.

6                The R&R is **ADOPTED**, Tran's application to proceed *in forma pauperis*, Dkt. 1,  
7      is **DENIED**, and this case is **DISMISSED without prejudice**. Consistent with the  
8      Magistrate Judge's Order in Cause No. 22-cv-5924 BHS, Dkt. 4, Tran may file an  
9      amended petition in *Tran v. Clark County Court*, No. 22-cv-5924 BHS. That case will be  
10     Tran's single habeas case.

11               The Clerk shall enter a JUDGMENT and close the case.

12               Dated this 10th day of January, 2023.

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15               BENJAMIN H. SETTLE  
16               United States District Judge  
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